

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS OF ALLEGHENY
HEALTH, EDUCATION & RESEARCH
FOUNDATION,

Civil Action No. 00-684

Plaintiff,

Judge David Stewart Cercone

v.

PRICEWATERHOUSECOOPERS LLP,

Defendant.

**PRICEWATERHOUSECOOPERS LLP'S UNOPPOSED
MOTION FOR LEAVE TO FILE A SUPPLEMENTAL
BRIEF IN SUPPORT OF ITS MOTION FOR SUMMARY
JUDGMENT**

Defendant PricewaterhouseCoopers LLP ("PwC") respectfully moves for leave to file a five-page supplemental brief in support of its Motion for Summary Judgment. A copy of the proposed brief and the recent legal authority on which it is based is attached. In support PwC states:

1. The Official Committee of Unsecured Creditors of AHERF (the "Committee") does not oppose the filing of this supplemental brief provided that the Committee is permitted leave to respond. PwC does not object to the Committee filing a brief in response to this supplemental brief.

2. On May 26, 2006, after the parties in this case had completed briefing on PwC's summary judgment motion the Third Circuit issued its opinion in *In re CitX Corp.*, No. 05-2760, 2006 WL 1453117, 2006 U.S. App. Lexis 13141 (3d Cir. May 26, 2006) (slip opinion

attached as Exhibit A to the proposed brief). The proposed supplemental brief addresses this opinion.

WHEREFORE, PwC respectfully requests that the Court grant it leave to file the attached proposed supplemental brief in support of its Motion for Summary Judgment.

Dated: June 23, 2006

Respectfully submitted,

/s/ Joseph F. McDonough

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